

### **REMARKS**

Applicant has carefully reviewed the Office Action mailed October 12, 2007, and thanks Examiner Sharp for the detailed review of the pending claims. Applicants especially thank Examiner Sharp allowing claims 15, 18 and 20. In the present amendment, Applicant has amended claim 17. However, by way of this amendment, no new matter has been added. Claims 1, 6-7, 11-14, and 16 were previously cancelled. Accordingly, claims 2-5, 9-10, 17 and 19 remain pending in this application. At least for the reasons set forth below, Applicant respectfully traverses the foregoing rejections. Further, Applicant believes that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicants respectfully request reconsideration of the present application in view of the above amendment and the following remarks.

#### **Claim Rejections – 35 USC § 102**

Claims 2-5, 9-10, 17 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Braendel (U.S. Pat. No. 3,202,430). Applicant respectfully traverses the rejection.

##### **1. The Law**

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

## 2. Independent Claim 17

Applicant notes that independent claim 17 has been amended to include the recitation of “a projection extending radially outwardly from both of the outer peripheral face and along the upper surface,” (emphasis added). Support for the newly added recitation can be found, for example, in paragraph [0020] of the specification.

Braendel does not teach all of the recitations found in amended claim 17. Therefore, Braendel cannot anticipate independent claim 17. Applicant specifically draws attention to FIG. 6 of Braendel (reproduced below for the Examiner’s convenience) of Braendel to illustrate that Braendel teaches a wall engaging projection 40 that is disposed adjacent to the bottom surface of the lower rail 14. The wall engaging projection 40 does not extend outwardly from the top surface 36 of the lower rail 14. Thus, as may be seen, Braendel does not teach a projection “extending radially outwardly from both of the outer peripheral face and along the upper surface.” Accordingly, Braendel does not teach every recitation of independent claim 17 as required by *Verdegaal Bros.*

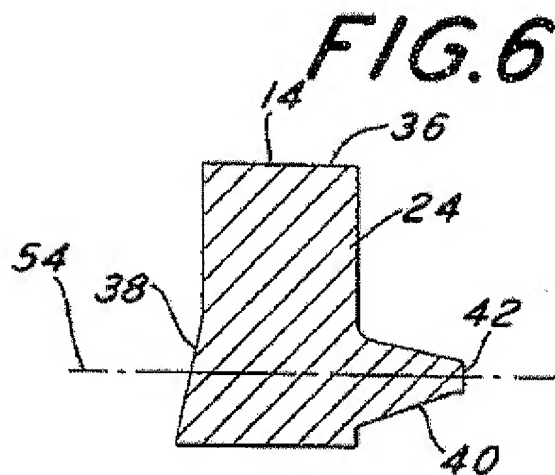


FIG. 6 of Braendel

## 3. Dependent Claims 2-5

Dependent claims 2-5 are also patentable at least by being dependent on allowable base claim 17, although the claims include recitations that also define over the prior art of record.

Merely by way of example, claim 2 recites “wherein the piston ring is disposed in a ring groove of a piston having a plurality of boundaries,” which is not taught in the prior art of record. Accordingly, reconsideration and withdrawal of this rejection is therefore respectfully requested.

#### **4. Independent Claim 19**

Applicant notes that independent claim 19 recites “wherein the projection is generally rectangular and includes an outer surface,” (emphasis added).

Braendel does not teach all of the recitations found in claim 19. Therefore, Braendel cannot anticipate independent claim 19. Applicant specifically draws attention to column 2, lines 28-31 and FIG. 6 of Braendel (reproduced above for the Examiner’s convenience) of Braendel to illustrate that Braendel teaches “[t]he lower rail 14 is provided with a wall engaging projection 40 having a cross-section simulating a truncating triangle,” (emphasis added). Thus, as may be seen, Braendel actually **teaches away** from a projection that is “generally rectangular” and instead teaches a wall engaging projection 40 that is “a truncating triangle.” Accordingly, Braendel does not teach every recitation of independent claim 19, as required by *Verdegaal Bros.*

#### **5. Dependent Claims 9-10**

Dependent claims 9-10 are also patentable at least by being dependent on allowable base claim 19, although the claims include recitations that also define over the prior art of record. Merely by way of example, claim 10 recites “wherein said rectangular projection defines a ledge extending radially from said outer peripheral face,” which is not taught in the prior art of record. Accordingly, reconsideration and withdrawal of this rejection is therefore respectfully requested.

### CONCLUSION

In view of the above amendment, applicants believe the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 66774-0005 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to such deposit account number.

Dated: December 5, 2007

Respectfully submitted,

By: /Michael B. Stewart/

Michael B. Stewart

Registration No.: 36,018

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 10291

Attorney for Applicant